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19 4[illegible] **File No.** O. Medical 49

Legal Dept.

A **BRANCH**

Subject:— Opinions under the Bombay Medical Act 1912

P 3 (E)

File No. O. Medical /49

Gen. 194 e.

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C O N T E N T S.

Legal Department File No. O. Medical /49

No.	G.I./O. No.	Subject	pages
1)	ON. 7611 8-7-49.	Indian Penal Code Sec. 312 & 354 Bombay Medical Act, 1912, Section 9- Prosecution for professional misconduct.	1 -
2)	ON. 9904 1-9-49	The Bombay Medical Practioners Act 1938, Sec. 18 - Sec 13-A whether the Board can take disciplinary action against Mr. "X"	3 - 4

S.C. 4/6

11/9/1976

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Office of the R.L.A.

Prosecution under Sections 312 or 354 Indian Penal Code.

As observed by H.M.(Health) there being no positive evidence the prosecution of Dr. Braz for the offence either under section 312 or section 354 of Indian Penal Code is out of question. Barring prosecution, the only action that can be conceived is one under section 9 of the Bombay Medical Act, 1912 for professional misconduct. The statement of the Lady Sub-Inspector of Police who solicited Dr. Braz's help for causing the abortion of her imaginary friend even if believed, may not be considered by the Medical council sufficient to prove his misconduct, It is not expedient to entrap the doctor in respect of the first and the third charge. The police may however, watch his conduct regarding the second charge. In the circumstance no immediate action against Dr. Braz appears feasible.

P.M.Lad.
7-7

Remembrancer of Legal Affairs.

U.R. to H. & L.G.D. No. 7611, dated the 8th July 1949.

S.C. 4/6

R.I.No. 12489 dt/- 30-8-49.

Submitted,

Pleare see R.L.A.'s opinion No. 7611 dated 6-7-1949, H. & L.G.Deptt. states at p. 27 ante that action under Sec. 9 of the Bom. Medical Act, 1912 cannot be taken as Mr. Braz has not been registered under this Act. but that Deptt. states that in view of the letter of the Registrar of the Board of Indian Systems of Medicine , Bombay stating that if his name is entered in the list under sec. 18 of the Bombay Medical Practitioners Act. 1938, theBoard can taken disciplinary action against him under clause (C) ofSec. 13 A of this Act by removing his name from the list after following the procedure laid down under chapter X and XII of the B.M.P. Rules 1939. The R.L.A. is requested to see nam.

2. Under clause (C) of Sec13 A the Board can reprimand a registered practitioner or a practitioner whose name is entered in the list or to suspend or remove him from the register or list andto take such other disciplinary action against him as may be in the opinion of the Board be necessary or expedient. Under chapters X and XI of the Bom. Medical Practitioners Rule a after following theprocedure laid down in the chapters his name can be removed from the

...ce his name is removed he will not be able to carry on his practice (see secs. 32 & 34 of the Act). The papers may be seen and returned. The view taken in para 2 of H. & L.G.D. note at p/ 27 ante is correc

P.M.Lad
31-8

U.R. to H. & L.G.D. No. 9904 dt. 1-9-49.